

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

<b>CHARGE FUSION TECHNOLOGIES, LLC,</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Civil No. 6:21-cv-01078-ADA</b>
<b>v.</b>	)	
	)	
<b>TESLA, INC.,</b>	)	<b>JURY TRIAL DEMANDED</b>
	)	
<b>Defendant.</b>	)	
	)	
	)	

**CASE READINESS STATUS REPORT**

Plaintiff, Charge Fusion Technologies, LLC, and Defendant, Tesla, Inc., hereby provide the following status report in advance of the initial Case Management Conference (“CMC”).

**FILING AND EXTENSIONS**

Plaintiff’s Complaint was filed on October 15, 2021.<sup>1</sup> There were two extensions for a total of fifty-two days, from November 5, 2021 to January 7, 2022.

**RESPONSE TO THE COMPLAINT**

Defendant filed a partial Motion to Dismiss Plaintiff’s Complaint pursuant to Rule 12(b)(6) on January 7, 2022.<sup>2</sup> Plaintiff’s response is due by January 21, 2022.

**PENDING MOTIONS**

The only pending motion is Defendant’s partial Motion to Dismiss Plaintiff’s Complaint.<sup>3</sup>

**RELATED CASES IN THIS JUDICIAL DISTRICT**

There are no related cases in this Judicial District where a common patent is asserted.

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<sup>1</sup> Doc. No. 1.  
<sup>2</sup> Doc. No. 28.  
<sup>3</sup> Doc. No. 28.

### **IPR, CBM, AND OTHER PGR FILINGS**

There are currently no pending IPR, CBM, or other PGR filings as of the date of this status report.

### **NUMBER OF ASSERTED PATENTS AND CLAIMS**

Plaintiff has asserted U.S. Patent No. 9,853,488, U.S. Patent No. 10,819,135, and U.S. Patent No. 10,998,753 (collectively the “Asserted Patents”). Plaintiff currently estimates a total of forty-one (41) claims, but reserves the right to decrease the number of asserted claims in its Preliminary Infringement Contentions (“PICs”).

Defendant objects to the assertion of forty-one (41) claims as improper and facially unreasonable. Where Plaintiff asserts such a high volume of claims, Defendant will request an early reduction of asserted claims and/or schedule modifications to provide sufficient time to adequately prepare for the case. *See, e.g.,* <https://www.txwd.uscourts.gov/for-attorneys/judge-albright-courtroom-faq/>.

Plaintiff has not yet served its PICs as of the date of this status report, but will serve its PICs no later than 7 days before the CMC.

### **APPOINTMENT OF TECHNICAL ADVISER**

If the Court believes that a technical advisor would assist the Court with claim construction and other technical issues, Plaintiff is amenable to the appointment of one. Otherwise, Plaintiff does not request that a technical advisor be appointed at this time but may request that a technical advisor be appointed at a future date.

Defendant does not request the appointment of a technical advisor.

### **MEET AND CONFER STATUS**

Plaintiff and Defendant met and conferred. With respect to pre-*Markman* issues to raise at the CMC, Defendant intends to file a transfer motion and requests a schedule to facilitate the potential

resolution of that motion prior to the *Markman* hearing set by the Court. Plaintiff has no pre-*Markman* issues to raise at the CMC. Plaintiff contends that the Court's Standing Order has established procedures for *Markman* and transfer motions and there are no reasons to depart from those procedures or in any way delay the *Markman* hearing.

Dated: January 14, 2022

Respectfully Submitted

/s/ Mark Samartino

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system.

/s/ Frederick A. Tecce  
Frederick A. Tecce